

REMARKS

Claims 1-4 are pending. By this response, claims 1 and 4 are amended and claim 5 canceled. Reconsideration and allowance based on the above amendments and following remarks are respectfully requested.

Objection

The Office Action objects to claim 4 due to an informality. In response, Applicants have amended claim 4 to address the informality. Accordingly, withdrawal of the objection is respectfully requested.

§112, 2nd Paragraph

The Office Action rejects claims 1-3 under 35 U.S.C. §112, 2nd paragraph as being indefinite. This rejection is respectfully traversed.

The Examiner alleges that claim 1 contradicts itself and doesn't refer to the change in the image capturing area according to the number of defective blocks. The Examiner refers to FIGS. 9 and 10 to illustrate position adjustment of the image capturing area.

Applicant submits that claim 1 does not contradict itself. The claim language is clear on what it recites and there is no contradiction in terms with the language of the claim itself.

Furthermore, claim 1 recites, *inter alia*, a position adjustment mechanism for changing a relative position between the image capturing area of the image sensor and an optical axis of the incident light directed from the optical system to the image capturing area by half of one or both of a longitudinal and lateral length of the blocks determined by the number and position in the grid of operational blocks of the plurality of blocks, such that

the center of image capturing area of operational blocks coincides with the optical axis of the incident light. This section of claim 1 refers to the image capturing area and position based on operational blocks. Thus, it is unclear why the Examiner deems these features are absent from claim 1. Note, that Applicant has amended claim 1 to clarify the image capturing area corresponding to the operational blocks.

Also, FIGS. 9 and 10 refer to embodiments associated with packaging of the chip sensors. Claim 1 is related to embodiment 1 not the packaging discussed in regards to FIGS. 9 and 10 of embodiment 3.

In view of the above, Applicant respectfully submits that claim 1 is not indefinite. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

Prior Art Rejections

Claim 4

The Office Action rejects claim 4 under 35 U.S.C. §103(a) as being unpatentable over Yamamoto et al. (US 5,436,661) in view of Miyaguchi et al (US 5,508,740), of Kimura (US 5,051,798) and Huot et al. (US 5,731,834). This rejection is respectfully traversed.

Claim 4 recites, *inter alia*, wherein a plurality of different packages are provided including a package in which the chip having all the determined number of blocks is attachable so that a center of all the determined number of blocks constituting the image capturing area coincides with an optical axis of the incident light, and another package to which the chip having the blocks of less than the determined number is attachable so that a center of the blocks of less than the determined number constituting the image capturing area

coincides with the optical axis of the incident light. Applicant respectfully submits that Yamamoto in combination with Miyaguchi, Kimura and Huot fail to teach this feature of claim 4.

As stated on pages 5 and 6 of the Office Action, the Examiner considers two identical packages only varying by the shifting of positions of the image sensors taught in Yamamoto and Miyagushi, as teaching the claimed features. Applicant respectfully submits that the different packages as recited in claim 4 are based upon the number of defective blocks making up the image sensor. Claim 4 has been amended to clarify this distinction. Applicant respectfully submits that Yamamoto and Miyaguchi each fail to teach or suggest providing different packages based on the number of defective blocks in an image sensor. As stated in the Office Action, Yamamoto and Miyaguchi teach the same package and not different packages based on whether defective pixels are present or not and thus falls short of teaching the claimed subject matter.

Further, Kimura and Huot fail to remedy the deficiencies of Yamamoto and Miyaguchi.

Therefore, in view of the above, Applicant respectfully submits that Yamamoto in combination with Miyaguchi, Kimura and Huot fail to teach each and every feature of claim 4 as required. Accordingly, reconsideration and withdrawal of the rejections are respectfully requested.

Claim 5

The Office Action rejects claim 5 under 35 U.S.C. §103(a) as being unpatentable over Wu (US 5,811,799) in view of Kimura (US 5,051,798). This rejection is respectfully traversed.

Claim 5 has been canceled. Therefore the rejection with respect to claim 5 is now moot. Accordingly, withdrawal of this rejection is respectfully requested.

Conclusion

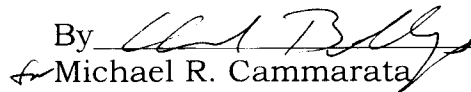
For at least the above reasons it is respectfully submitted that Claims 1-5 are distinguishable over the cited art. Favorable consideration and prompt allowance are earnestly solicited.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Chad J. Billings Reg. No. 48,917 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

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Respectfully submitted,

By  48,917
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